IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 5856 of 1994

Between:

D.V. Chalapathi Reddy, S/o Dr. D.V. Krishna Reddy,

Residing at Bommanarapalli, Porumamilla,

Cuddapah District.

..... PETITIONER

AND

1. Director of Settlements,

Government of Andhra Pradesh,

Hyderabad.

2. District Collector, Cuddapah.

3. Mandal Revenue Officer, Porumamilla Mandal,

Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a *Writ of Mandamus* or any other appropriate Writ or direction declaring the action of the first respondent in not ascertaining the compensation to be paid for land in Sy.No.59 of Musalareddipalli village, Porumamilla Mandal, Cuddapah District and the action of the third respondent in trying to assign the land even before the enquiry is completed under the Estate Abolition Act, 1948 as illegal, arbitrary and consequently direct the first respondent to ascertain the compensation.

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following:

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THE HON'BLE SRI JUSTICE N.V.RAMANA

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WRIT PETITION No.5856 OF 1994

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ORAL ORDER:

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Questioning the action of the first respondent-Director of Settlements in not determining the compensation to be paid for the land in survey No. 59 of Musalareddipalli village, Porumamilla Mandalam of Kadapa District and also the action of the third respondent-Mandal Revenue Officer in trying to assign the said land to third parties even before the enquiry with respect thereof under Estates Abolition Act, 1948 (for short 'the Act') is completed, the petitioner filed this writ petition.

2. The petitioner claims to be one of the owners of the land in question, having succeeded lineally from his grand father, namely one Desai Chalapathi Reddy. He states that by the notification, dated
30-1-1974 issued under the Act, which was published in part I of Andhra Pradesh Gazette, dated 14-2-1974, the Government of Andhra Pradesh had taken over the land in question. He also states that the matter with regard to

payment of compensation is pending with the first respondent, and compensation is not determined on the ground that the second respondent-District Collector has not furnished the particulars as called for by the first respondent in his letter dated 13-12-1991, relating to the incomes of revenue, forest and fisheries departments on the land in question. It is stated that the enquiry under Section 15 of the Act is not completed and no compensation has been paid. While so, the third respondent is taking steps to assign the land in favour of landless poor, which is illegal. Hence, the writ petition.

3. Denying the allegations of the petitioner, the first respondent filed counter-affidavit. It is stated that as per the report of the Collector, Kadapa in Ref.No.B6/2664/94, dated 01-06-1997, the Settlement Officer, Nellore has conducted enquiry and surveyed the entire Musalareddipalli village, totaling Ac. 2513-26 cents, as required under Section 15(1) of the Act, and prepared settlement records (fair adangal) confirming the right over the lands of the persons who were in actual possession and also the title of the Government over the lands. It is stated that the estate in question was notified and was taken over on 10-03-1974, and advance compensation payable in respect of the land was deposited with the District Judge and Estates Abolition Tribunal, Kadapa on 07-08-1974 and 05-07-1975, so also the balance of total compensation on 27-10-1987. Thereafter, the assignment committee approved the assignments in Survey No.59 of Musalareddipalli village in favour of landless poor of the village, and on the proposals sent by the Mandal Revenue Officer, Porumamilla for change of classification in respect of Ac.112-50 cents of Hillock poramboke land to assessed waste, the Sub-Collector, Rajampet by his proceedings No. D.Dis.550/94, dated 14-3-1994 changed its classification accordingly, and thereafter the said land was assigned to the landless poor on 29-03-1994. The first respondent states that since the entire amount of compensation stood deposited with the District Judge and Estates Abolition Tribunal, the parties, who claim that their lands were taken over by the Government, have to approach the Tribunal, and prove their claim for compensation. Thus, he prays to dismiss the writ petition.

4. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

5. It is not known how much extent of land belonging to the petitioner was taken over by the Government, for no mention is made in the affidavit filed in support of the writ petition. Be that as it may, inasmuch as the enquiry as contemplated under Section 15 of the Act in respect of the land in question was completed, and the advance compensation amount was deposited on 07-08-1974 and 05-07-1975, and the balance total compensation on 27-10-1987 with the District Judge and Estates Abolition Tribunal, Kadapa, and an extent of Ac.112-50 cents of Hillock Poramboke in Survey No.59 was converted as Assessed Waste by the Sub-Collector, Rampet and the same was assigned by the Mandal Revenue Officer, Porumamilla Mandal to the landless poor in pursuance of approval sanctioned by the Assignment Committee, the contention of the petitioner that without completing the enquiry under Section 15 of the Act and without paying the compensation, the third respondent is trying to assign the land in question in favour of the landless poor, cannot be sustained. Since the compensation amount in respect of the land in question stood deposited with the District Judge and Estates Abolition Tribunal, Kadapa, the remedy open to the petitioner, if any, is to approach the said Tribunal and prove his claim for compensation in accordance with the provisions of the Act, by placing necessary documentary evidence as to his ownership of the lands taken over by the Government.

6. In the circumstances, the writ petition has no merit and is accordingly, dismissed. No costs.

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N.V. RAMANA, J

Date: July 19, 2004.

KSN/KSR/SVV

To

1. Director of Settlements,

Government of Andhra Pradesh,

Hyderabad.

2. District Collector, Cuddapah.

3. Mandal Revenue Officer, Porumamilla Mandal,

Cuddapah District.

4. Two C. Cs to G.P. for Revenue, High Court of A.P., Hyderabad (OUT).

5. Two C.D. copies